

*Reges v. Cauce, et al.*

**Exhibit JJ  
to Declaration of  
Gabriel Walters**

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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STUART REGES, ) NO.  
Plaintiff, ) 2:22-cv-00964-JHC  
vs. )  
ANA MARI CAUCE, et al., )  
Defendants. )

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Videotaped  
Deposition Upon Oral Examination Of  
NANCY ALLBRITTON

---

June 20, 2023  
401 Union Street, Suite 3300, Seattle, Washington  
Magna Legal Services  
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REPORTED BY: PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR,  
29906/No. 2704

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17        E X A M I N A T I O N

18	BY	PAGES
19	ATTORNEY WALTERS	7 - 202
20		
21		

22	***** (* Denotes phonetic spelling.)
23	
24	
25	

1 Q. Might they have come up?

2 A. Anything is possible, but it's highly  
3 unlikely, because I don't recall it.

4 Q. Do you know what Ed Lazowska's opinion on  
5 land acknowledgments is?

6 ATTORNEY HOSP: Objection. Asked and  
7 answered.

8 You can answer.

9 A. No, I don't, I don't know what Ed's attitudes  
10 are.

11 Q. I don't believe I asked it this way: Do you  
12 know if Ed Lazowska has an opinion on land  
13 acknowledgment statements?

14 A. I don't recall ever knowing Ed's opinions.

15 Q. Has Ed Lazowska ever been subject to a 25-71  
16 faculty code process?

17 A. I do not recall that during my tenure as  
18 dean.

19 Q. During your tenure as dean, you have never  
20 been involved with a Faculty Code 25-71 process with  
21 respect to Ed Lazowska; correct?

22 A. That is correct, I do not recall being  
23 involved in one.

24 (Exhibit 31 marked.)

25 Q. Would the court reporter please let me know

1 what the exhibit number is?

2 THE COURT REPORTER: 31.

3 Q. Dean Allbritton, do you have Exhibit No. 31  
4 in front of you?

5 A. Yes.

6 Q. I'll give you a moment to look it over.  
7 Please indicate when you are ready to procedure.

8 The Bates stamp on the first page of this  
9 exhibit is "UW\_Reges\_0000032." Does that appear on  
10 your copy as well?

11 A. I'm not seeing that anywhere.

12 Q. The lower right corner of the document.

13 A. Oh, oh, yes. Okay. Yes, I see that.

14 Q. Turning to the last page of this exhibit.

15 First of all, let me ask you: What does this exhibit  
16 appear to be?

17 A. This exhibit appears to be an email chain  
18 initiated by Dr. Balazinska.

19 Q. And the date on top of the document on the  
20 first page is January 4th, 2022, 5:56 and 14 seconds  
21 p.m.; do you see that?

22 A. Yes, I do.

23 Q. And in the "To" field, we have the name  
24 "Aileen Trilles"; do you see that?

25 A. Yes.

1 Q. And in the "cc" field, your name, "Nancy  
2 Allbritton" appears. Do you see that?

3 A. Yes.

4 Q. Did you receive this document?

5 A. Yes.

6 Q. Do you recall seeing this document before?

7 A. I do recall having seen this document before.

8 Q. Did you review this document to prepare for  
9 this deposition today?

10 A. I saw this document, yes.

11 Q. Turning to the third and final page of this  
12 exhibit, it's an email chain, so it's probably helpful  
13 to go in reverse chronological order. And the last  
14 email in the chain is dated January 4th, 2022, and it  
15 appears to be from Magdalena Balazinska, or Magda  
16 Balazinska, to Stuart Reges. Do you agree?

17 A. Yes.

18 Q. Have you seen the content of this email  
19 message in this chain before?

20 A. Yes, I believe so.

21 Q. The first sentence says, "I ask that you  
22 remove the land acknowledgment statement from your  
23 course syllabus immediately," and "land  
24 acknowledgment" is in quotes. Do you know what that  
25 land acknowledgment statement refers to?

1           A. I did not write this email, so I don't know  
2 what Magda was referring to.

3           Q. And again, the document is dated January 4th,  
4 2022. Do you believe that this document refers to the  
5 statement we reviewed earlier in the winter 2022  
6 quarter that Stuart Reges placed in his CSE 143  
7 syllabus?

8           A. Yes, based on what I'm reading.

9           Q. And you have no reason to believe otherwise;  
10 correct?

11          A. Yes.

12          Q. The next sentence says, "It is offensive and  
13 it creates a toxic environment in your course, which  
14 is a required course in our major." Do you believe  
15 that Stuart's statement is offensive?

16          A. Yes.

17          Q. Why?

18          A. I think it dehumanizes Native Americans.

19          Q. How does it dehumanize Native Americans?

20          A. Just my opinion, but it seems to not  
21 acknowledge their existence. Others may feel  
22 differently, but that's how I read that statement.

23          Q. And the statement, again, is, "I acknowledge  
24 that...the Coast Salish people can claim historical  
25 ownership of almost none of the lands currently

1 occupied by the University of Washington."

2 Do we agree that that's the statement  
3 we're presently discussing?

4 A. I don't think that's the exact wording --

5 Q. Excuse me. I apologize for interrupting you,  
6 but you are correct. Let me read you the statement.  
7 I'll state it again, and then I'll ask again.

14 A. Yes, I believe that's the statement.

15 Q. Thank you for the correction. I didn't mean  
16 to misspeak.

19 A. I just think the way the whole sentence flows  
20 denies it. This is just my personal opinion.

21 Q. And what is it about the way that the  
22 sentence flows that denies the existence of the Coast  
23 Salish people?

24 A. I think -- I don't -- again, this is my  
25 opinion and my reaction to it. Other people may have

1 a different reaction. I can't explain how other  
2 people feel.

3 Q. Can you explain how you feel?

4 A. I feel that it's offensive and it dehumanizes  
5 Native Americans.

6 Q. And so what I'm trying to do is probe why  
7 that is. Why do you feel that it's offensive and  
8 dehumanizes Native Americans?

9 A. That's my reaction to it.

10 Q. Why do you suppose you have that reaction to  
11 it?

12 A. I don't really know.

13 Q. It strikes you as offensive; is that correct?

14 ATTORNEY HOSP: Objection to the form.

15 A. Yes, I find it offensive.

16 Q. And you've testified "that's just my  
17 opinion"; is that correct?

18 A. That is correct.

19 Q. And I believe you testified that other people  
20 can have different opinions in reaction to this  
21 statement; is that correct?

22 A. I don't know about other people's reactions.

23 Q. Would you say that Stuart's statement  
24 expresses a viewpoint?

25 A. In my opinion, yes, it does.

1 question?

2 (Reporter read back as requested the  
3 question that was pending.)

4 ATTORNEY HOSP: Object to the form.

5 You can answer.

6 A. We just discussed -- that assumes that it  
7 went out, and we just discussed that I was not clear  
8 whether it actually went out, so I can't answer that  
9 question.

10 ATTORNEY WALTERS: 40, please. I'm sorry.  
11 This exhibit has been marked.

12 Q. Dean Allbritton, do you have Exhibit No. 27  
13 in front of you?

14 A. Yes, I do.

15 Q. What is this document?

16 A. This appears to be the document that I sent  
17 to Dr. Reges, notifying him of the conclusion of the  
18 25-71 process.

19 Q. And you've seen this document before;  
20 correct?

21 A. Yes, I have.

22 Q. Your signature is on this document; correct?

23 A. Yes, it is.

24 Q. Did you review the content of this document  
25 before signing it?

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1 A. Yes, I did.

2 Q. Did you make any edits to any draft of this  
3 document?

4 A. Yes, I did.

5 Q. As signator, are you responsible for the  
6 content of this document?

7 A. Yes.

8 ATTORNEY HOSP: Objection to the form.

9 But you can answer.

10 A. Yes.

11 Q. I'll rephrase, just to see if I can clean it  
12 up.

13 Do you take responsibility for the content  
14 of this document as a signatory?

15 A. Yes.

16 Q. And Director Balazinska and Aileen Trilles  
17 are copied on this document; is that correct?

18 A. Yes, that's correct.

19 Q. And what's the date on the document?

20 A. June 13.

21 Q. What's the year?

22 A. 2023.

23 Q. Thank you. And that's a week ago today;  
24 isn't it?

25 A. Yes.

1 Q. And what did those -- strike that.

2 Did those complaints follow from Stuart's  
3 statement in his course syllabus that we reviewed  
4 earlier in this deposition?

5 A. Yes.

6 Q. The third paragraph of this letter says that,  
7 "The SIC's investigation established the following  
8 facts and provisional conclusions, based on multiple  
9 interviews with directly affected parties, including  
10 staff and students, and on review of contemporaneous  
11 documents and of your public statements about this  
12 matter"; do you see that?

13 A. I do.

14 Q. And by "your public statements," you are  
15 referencing Stuart himself; correct?

16 A. Yes, that is correct.

17 Q. Do you know how many interviews the special  
18 investigating committee conducted?

19 A. I do not know how many interviews they  
20 conducted.

21 Q. Did they give it -- did they give you any  
22 record of those interviews?

23 A. I received an oral report out, but I received  
24 no written record.

25 Q. You didn't receive any work product on paper

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1 or electronic documents from the special investigating  
2 committee; is that correct?

3 A. No, I did not.

4 Q. Other than the oral report that they gave  
5 you; correct?

6 A. That is correct.

7 Q. Did you ask them to report to you orally?

8 A. Yes.

9 Q. Why is that?

10 ATTORNEY HOSP: Just to be clear. To the  
11 extent that your answer would indicate any discussions  
12 with counsel, I instruct you not to respond. But  
13 beyond that, you can respond.

14 A. It's a seemingly fine, reasonable way to  
15 report out.

16 Q. I'm trying to recall your prior testimony as  
17 to whether you have overseen Faculty Code Section  
18 25-71 investigations on prior occasions. I don't  
19 recall if I asked you that. Have you seen, have you  
20 overseen Faculty Code Section 25-71 investigations on  
21 occasions, other than Stuart Reges?

22 A. Yes, I have.

23 Q. Has it been your practice on those other  
24 occasions to ask for oral reports from the special  
25 investigating committees?

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1                   And so this sentence begins "You agree,"  
2 and is it your understanding that Stuart did not agree  
3 to this?

4                   A. Yes, that is my understanding.

5                   Q. And that's part of what you mean when you  
6 testified earlier, that this was at a dead end; is  
7 that correct?

8                   A. That -- yes, that no resolution could be  
9 reached.

10                  Q. What if Stuart had, as a result of this  
11 meeting, agreed to remove the statement from his  
12 course syllabi, would that have been progress?

13                  A. Yes.

14                  Q. And there are other items here, too, that  
15 constitute some of the material terms of that proposal  
16 as you describe it in this letter. What if Stuart had  
17 agreed to remove the land acknowledgment statement  
18 from his syllabus, would that have satisfied the other  
19 terms listed here?

20                   ATTORNEY HOSP: Object to the form.

21                   You can answer.

22                  A. I think the other terms could be satisfied,  
23 unless he did something new.

24                  Q. "Something new," meaning putting the same  
25 statement or similar statement back into a syllabus in

1 the future, or meaning something else?

2 A. Or some other behavior.

3 Q. And as to "some other behavior," you are  
4 saying it's possible he could have violated these  
5 other things by doing something else, but that's  
6 speculative inherently. Would you agree with that?

7 A. Right. The intent was that we had a good  
8 learning environment going forward.

9 Q. So if Stuart had agreed to all of these  
10 material terms and removed the statement from his  
11 syllabus, would that have resolved the 25-71 matter?

12 A. Yes. It would never have come to me.

13 Q. And the other terms, let's just look at them  
14 as quickly but also as thoroughly as we can. It says,  
15 "You acknowledge and agree that as an Allen School  
16 faculty member you will interact with peers, staff,  
17 and students in a way that," and there's a colon and a  
18 subbullet. The first subbullet says, "Demonstrates  
19 respect toward all and encourages a spirit of respect  
20 in all interactions and forums." Do you know what  
21 that means?

22 A. Yes. It means treat people well. Engage in  
23 a positive way. Have constructive discussions. Those  
24 are just examples.

25 Q. Was it Stuart's land acknowledgment statement

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1 in his course syllabi that did not treat people well,  
2 in your words?

3 ATTORNEY HOSP: Object to the form.

4 A. I believe, as I said earlier, that it  
5 denigrated people that, that's not treating people  
6 well.

7 Q. And the next subbullet says, "Creates and  
8 maintains a professional, positive, and welcoming  
9 environment that is conducive to learning, teaching,  
10 research, and service." If Stuart had removed the  
11 land acknowledgment statement from his syllabus, and  
12 done nothing else to violate this subbullet point,  
13 would this bullet point be resolved, in your opinion?

14 ATTORNEY HOSP: Object to the form.

15 A. If he did nothing else to violate this  
16 subbullet, then that would have been wonderful.

17 Q. Would that have been the end of it?

18 ATTORNEY HOSP: Object to the form.

19 Q. Would that be -- would that have resolved the  
20 25-71 process?

21 A. If he agreed to the entire resolution, or if  
22 he just agreed to a subpart of?

23 Q. Well, the entire resolution here.

24 A. Yes. It would have completely terminated at  
25 that point.

1           Q.     And this subbullet point is a part of the  
2     entire resolution; correct?

3 A. Yes.

4           Q.     The next subbullet says, "If expressing  
5     dissent or attempting to produce change in the  
6     workplace, does so while remaining respectful to all,  
7     and in a way that maintains a professional, positive,  
8     welcoming, and supportive environment."

9 Just talking about this instance, the land  
10 acknowledgment statement, what you've called the  
11 disruption to the learning environment and the 25-71  
12 process that followed from it, is it Stuart's land  
13 acknowledgment and those other items I just mentioned  
14 that constitutes -- well, is it not remaining  
15 respectful to all and in a way that maintains a  
16 professional, positive, welcoming, and supportive  
17 environment, in these words?

18 A. Could you start from the beginning --

19 (Crosstalk.)

20 Q. I understand that came out in a confusing  
21 fashion.

22 You testified earlier that there are  
23 possible ways Stuart might have violated some of these  
24 subbullet points, and I said that's inherently  
25 speculative, and I think we agreed on that. You

1 recall that; correct?

2 A. Yes.

3 Q. If Stuart had done none of those, what I'll  
4 call them, "colloquially bad behaviors" and removed  
5 the land acknowledgment statement, would that have  
6 satisfied this third subbullet point that we're  
7 looking at now?

8 A. Yes.

9 Q. And the last bullet point on this page says  
10 that, "You agree that you will avoid any retaliation."  
11 You see where I am; correct?

12 A. Yes.

13 Q. "Even the appearance of same"; correct?

14 A. Yes.

15 Q. Did you ever have any reason to believe that  
16 Stuart Reges did retaliate against persons who  
17 complained about his land acknowledgment statement?

18 A. No, I did not.

19 Q. Did you have any reason to believe that he  
20 might retaliate against anyone who complained?

21 A. Not specifically, no.

22 Q. Did you have any reason to believe that  
23 Stuart Reges would have created the appearance of  
24 retaliation because of complaints?

25 A. No, I do not.

1 A. Oh.

2 Q. I'll ask my next question.

3 Looking at page 5 of this letter,  
4 Exhibit 27. Within the second-to-last paragraph on  
5 this page, there's a sentence that begins, "Therefore  
6 your merit, which has been automatically held in  
7 abeyance pending this investigation in accordance with  
8 university policy, will be reinstated and you will  
9 receive merit for academic year 2021 to 2022 and  
10 academic year 2022 to '23." Are you with me?

11 A. Yes, I am.

12 Q. What university policy does that sentence  
13 refer to?

14 A. I don't know the exact code policy number.

15 Q. So if I were to ask you where I can read  
16 that, you wouldn't be able to point me to a citation;  
17 is that correct?

18 ATTORNEY HOSP: Objection to form.

19 You can answer.

20 A. At the current time, at this very moment, I  
21 could not.

22 Q. Do you know if it's -- do you know if it's a  
23 written policy?

24 A. I think this is the discussion of merit, and  
25 the review process for merit I do believe is a written

1 policy.

2 Q. When did you first learn that merit pay would  
3 be automatically held in abeyance pending a Faculty  
4 Code Section 25-71 investigation?

5 A. This was typical practice at the university.  
6 When there's a 25-71, merit is held in abeyance.

7 Q. How do you know that it's typical practice?

8 A. All of the 20- -- all of the 25-71s that I  
9 can remember have had merit held in abeyance.

10 Q. And that dates back to when you arrived in  
11 2019, if I remember correctly; is that right?

12 A. That's correct.

13 Q. In your capacity as dean of the college of  
14 engineering; correct?

15 A. That's correct.

16 Q. How many Faculty Code Section 25-71  
17 investigations have you seen during that time, where  
18 merit pay was held in abeyance for the pendency of the  
19 investigation?

20 A. I would say the majority.

21 Q. How many total Faculty Code Section 25-71  
22 investigations have you ever seen? And I think you  
23 testified to this earlier, but I just want to recall  
24 that information with reference to this conversation  
25 now. So the question is: How many total?

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1 reporter please read back the previous question and  
2 answer.

3 (Reporter read back as requested.)

4 ATTORNEY WALTERS: Let's take a ten-minute  
5 break. We'll check the time, and see where we are.

6 THE VIDEOGRAPHER: We're now going off the  
7 record. The time is 2:58 p.m.

8 (Recess.)

9 THE VIDEOGRAPHER: We're now back on the  
10 record. The time is 3:13 p.m.

11 (Exhibit 37 marked.)

12 Q. Dean Allbritton, do you have Exhibit No. 37  
13 in front of you?

14 A. Yes, I do.

15 Q. What is this -- before I ask that question,  
16 apologies, let me ask you: Is this document stamped  
17 at the lower right "UW\_Reges\_0000884"?

18 A. Yes.

19 Q. What is this document?

20 A. This appears to be an email to the members of  
21 the SIC, basically with a -- with the charge letter.

22 Q. The charge letter, which tasks the committee  
23 with investigating Stuart Reges under Faculty Code  
24 Section 25-71; is that correct?

25 A. That is correct.

1 Q. And you sent this email; correct?

2 A. Yes, I did.

3 Q. On July 11th, 2022; correct?

4 A. Yes.

5 Q. Do you remember sending this email?

6 A. I don't, specifically, remember hitting the  
7 button to send, no.

8 Q. Do you remember sending this message to the  
9 special investigating committee?

10 A. I know that I sent this message to the  
11 special investigating committee.

12 Q. And there are bullet points here on this  
13 email under the sentence, "Attached is the confident  
14 shall charge letter and corresponding documentation."  
15 And those bullets say, "Bias incident report, Email  
16 from Native faculty and staff, 25-71 Notification, and  
17 25-71 Resolution Agreement"; is that correct?

18 A. Yes, that's correct.

19 Q. And do you recall attaching those documents  
20 to this email?

21 A. Yes.

22 Q. The following sentence says, "I request that  
23 the investigation be completed by August 16th, 2022 if  
24 possible." Why did you make that request to the  
25 committee?

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1           A.    We were -- I was trying to have the committee  
2 finish in a timely fashion, if it were possible.

3           Q.    Other than finishing their work in timely  
4 fashion, is there any significance to the August 16th,  
5 2022 date?

6           A.    No.

7           Q.    Was August 16th, 2022 prior to the start of  
8 the fall '22 quarter?

9           A.    Yes, it was.

10          Q.    Did you wish to reach a conclusion with  
11 respect to Stuart Reges and this process prior to the  
12 start of the fall 2022 quarter?

13          A.    I don't recall having that as a specific  
14 goal.

15          Q.    Do you have Exhibit No. 24 in front of you?

16          A.    Yes.

17          Q.    And the stamp at the bottom right, is that  
18 "UW\_Reges\_0000887"?

19          A.    Yes.

20          Q.    Is this the July 11th charge letter to the  
21 special investigative committee?

22          A.    Yes.

23          Q.    Near the bottom of the second page, there's a  
24 sentence that reads, "Teaching Professor Reges has  
25 expressed that he believes the allegations concern

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1 now. Is it accurate to say that you couldn't remember  
2 whether it was in the first quarter of this year?

3 A. That is accurate.

4 Q. Might it have been in the second quarter of  
5 this year?

6 A. Of 2023, you are talking about?

7 Q. For the oral report, specifically, yes.

8 A. I don't think so.

9 Q. So then is it likely that it was during the  
10 first quarter of 2023?

11 A. I don't know.

12 Q. Was it in the fourth quarter of 2022?

13 A. It could have been. I just don't recall the  
14 date.

15 (Exhibit 38 marked.)

16 Q. Dean Allbritton, do you have Exhibit 38 in  
17 front of you?

18 A. Yes.

19 Q. Is this the document stamped  
20 "UW\_Reges\_0000885"?

21 A. Yes.

22 Q. What is this document?

23 A. This appears to be a document from Kayla  
24 Shuster, the recruiter for diversity and access in the  
25 Allen School.

1 Q. Is she an Allen School staffer?

2 A. I believe she is.

3 Q. Have you seen this document before?

4 A. Yes, I have.

5 Q. Was this an attachment to your charge  
6 communication to the special investigating committee?

7 A. I believe it was, yes.

8 Q. Was this the statement that was labeled "bias  
9 incident report" in your charge communication to the  
10 committee?

11 A. I believe it was, but I would have to go back  
12 and pull that email.

13 (Discussion off record.)

14 ATTORNEY WALTERS: Dave, this is  
15 Exhibit 21 from yesterday.

16 ATTORNEY HOSP: All right.

17 ATTORNEY WALTERS: Aaron, if you want to  
18 follow along.

19 ATTORNEY BRECHER: Sure.

20 ATTORNEY WALTERS: This is the attachment  
21 that's included within Exhibit 21 from yesterday.

22 Q. Dean Allbritton, do you have Exhibit 21 in  
23 front of you?

24 A. Yes.

25 Q. And the stamp on that document, is it

1 "UW\_Reges\_0000898"?

2 A. No. It's 1018.

3 Q. I apologize. Could you turn to the second  
4 page of the document, please. What is the stamp on  
5 the second page?

6 A. "UW\_Reges\_00001019."

7                   Q.     I'll give you a different exhibit.

8 (Exhibit 39 marked.)

9           Q.     In the course of these productions, we get  
10   multiple copies of these.

11 ATTORNEY HOSP: This is Exhibit 39?

12 ATTORNEY WALTERS: 39, that is correct.

13           Q.     Dean Allbritton, do you have Exhibit No. 39  
14    in front of you?

15 A. Yes, I do.

16 Q. And is that the document stamped

17 "UW Reges 0000898"?

18 A. Yes, it is.

19 Q. And what is this document?

20 A. It appears to be Dr. Balazinska's  
21 notification to initiate the 25-71 process.

22 Q. And is this letter also included as an  
23 attachment to your charge communication to the  
24 committee?

25 A. Yes, I believe it is.

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1 (Exhibit 40 marked.)

2 ATTORNEY HOSP: Are we remarking this?

3 ATTORNEY WALTERS: I believe we are.

4 Q. I believe this is Exhibit No. 40. Do you  
5 have Exhibit 40 in front of you?

6 A. Yes.

7 Q. Is Exhibit 40 stamped "UW\_Reges\_0000896"?

8 A. Yes, it is.

9 Q. What is this document?

10 A. This appears to be a letter from  
11 Dr. Balazinska describing the proposed agreement or  
12 resolution to the 25-71 process.

13 Q. And was this included as an attachment to  
14 your charge communication to the special investigating  
15 committee?

16 A. Yes, it was.

17 ATTORNEY WALTERS: 42, please.

18 Exhibit 41?

19 THE COURT REPORTER: Yep.

20 (Exhibit 41 marked.)

21 Q. Dean Allbritton, do you have Exhibit 41 in  
22 front of you?

23 A. Yes, I do.

24 Q. And is that document stamped  
25 "UW\_Reges\_0004945"?